Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

SPRINT REPLY COMMENTS

Luisa Lancetti
Vice President, Wireless Regulatory Affairs
Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
202-585-1923

Scott Freiermuth
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251
913-315-8521

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Summary

Sprint makes the following points in this reply:

1. Customers would benefit from a shorter intermodal porting interval. While some LECs oppose a shorter porting interval, Sprint maintains that it will benefit costumers and lead to fewer cancelled intermodal ports—and at little cost to consumers.

2. A shortened interval should not have any effect on the number of inadvertent ports. Among other things, wireless carriers have been using an accelerated porting interval with far fewer validation fields than LECs without encountering a major problem with inadvertent ports.

3. The FCC should standardize and simplify the LEC validation process. A reduced interval will have little practical effect on customers, because the interval does not address the most significant cause for delay today – namely, the difficulty wireless carriers have in submitting "error free" port requests because many LECs use so many different validation fields and generally require an exact match for each field (*e.g.*, reject a port request because it uses "Dr." rather than "Drive"). In the near term, standardization and simplification of the validation process would be more important to customers than would a reduction of the porting interval.

4. The smaller LEC objections to NANC's proposal lack merit. Rural LECs do not submit any facts in support of their assertion that a shortened interval would be "fiscally impossible." Neither NANC's proposal, nor Sprint's supplemental proposal, would require any new or additional work that is not done today. However, the FCC should not require any carrier to mechanize its systems if the carrier believes it can meet regulatory requirements in a more cost effective manner by using a manual process.

5. There is no basis to exempt all rural LECs from a new porting interval. None of the interval proposals would require any LEC to perform any new or additional work. For example, the process to set a 10-digit trigger may take a rural LEC at most 15 minutes. The rural LEC assertion that they will never find time to spend 15 minutes in the day or two after a port request and always require at least three days – when they further claim that there is no demand for intermodal porting – is not credible. Further, any rural LEC facing unique circumstances or burdens can always pursue waiver relief.

6. The FCC should remind all LECs that they must make a good faith attempt to activate promptly their customers' port-out requests. A sizable number of ILECs are not complying with the existing intervals (*e.g.*, they refuse to respond to port requests at all or they do not respond within 24 hours). One ILEC commenter even suggests that any rules the FCC may adopt are irrelevant because some ILECs will simply "ignore" the rules.

7. The FCC should investigate near real time disconnects. Near real time disconnects will provide consumer benefits including reducing the likelihood that a customer is disconnected from their current provider before being activated by their new provider. Additionally, near real time disconnects will mitigate issues related to the "mixed services" period.

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Sprint Corporation below replies to the comments filed in response to the Second Further Notice of Proposed Rulemaking that seeks ways to reduce the interval used to complete intermodal port requests.[1]

I. CUSTOMERS WOULD BENEFIT BY SHORTER INTERMODAL PORTING INTERVALS

The overwhelming majority of intermodal ports – 99.8 percent during the first year[2] – involve customers "cutting the cord" by replacing LEC service with wireless service. It is thus not at all surprising that most incumbent LECs ("ILEC") commenters either question the need for, or flatly oppose, any reduction of the intermodal interval.

Some ILECs assert that a reduced interval is unnecessary because consumers are "uninterested" and have shown "extremely little interest" in intermodal porting,[3] with available data suggesting that "only" 750,000 LEC customers have used intermodal porting during the first year

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1 *See Telephone Number Portability*, CC Docket No. 95-116, *Notice of Proposed Rulemaking*, FCC 04-217 (Sept. 16, 2004), *summarized in* 69 Fed. Reg. 61334 (Oct. 18, 2004)("*Porting Interval NPRM*").

2 *See* THE WALL STREET JOURNAL, *FCC Reports on Number Portability*, at D5 (Nov. 24, 2004).

3 TCA Comments at 2 and 3. *See also* USTA Comments at 4 (Shortened interval is unnecessary because of "a lack of consumer demand and customer benefit.").

that the capability has been made available.[4] Sprint believes that having three-fourths of one million customers "cut the cord" in the first year is a remarkable achievement – especially when one considers the delays that LEC porting customers often encountered (*see* Part III *infra*) and that a majority of ILECs even today still do not provide portability (even though most of their networks are LNP capable).

Another ILEC argument made in opposition is that there is "no evidence that reducing the intermodal porting interval will benefit customers."[5] However, these facts are known:

1. Experience in other countries demonstrates that the porting rate increases the shorter the porting interval, leading analysts to conclude that "the porting period [is] a concern for consumers."[6]
2. In Sprint's own experience, there is a direct relationship between porting interval and customer cancellation rates. Specifically, the longer the delay in completing a port request, the higher the rate that customers cancel their port request.
3. The estimated costs to implement NANC's "C2/A3" proposal (or Sprint's supplemental, more accelerated proposal) are not large – less than 30 cents per access line on average.[7]

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[4] *See* FCC NEWS, *FCC Observes First Anniversary of Wireless Local Number* Portability (Nov. 24, 2004); THE WALL STREET JOURNAL, *FCC Reports on Number Portability,* at D5 (Nov. 24, 2004).

[5] OPASTCO Comments at 2. *See also* Rural Companies Comments at 4; TDS Comments at 1-3; USTA Comments at 5.

[6] JP Morgan North American Equity Research, *Wireless Number Portability: Not Positive for ROIC, but Potential Upside Exists,* at 11 (April 14, 2003).

[7] *See* Sprint Comments at 3 and n.6. USTA does not provide a scrap of evidence in support of its sweeping assertions that the NANC proposal would require LECs to expend "an enormous amount of capital" and that their imposition of a one-time charge of 30 cents would "disadvantage" LECs, both "economically and competitively." USTA Comments at 2 and 7.

Sprint does not believe that a special study is needed to demonstrate the obvious – namely, customers would prefer that the porting interval be as short as practically possible.

The current LEC four-business day interval was developed over seven years ago – long before wireless carriers even began competing with LECs. NANC and Sprint have proposed modifications that could substantially reduce the intermodal interval at a modest cost. Sprint submits that if the Commission considers the interests of the American consumer, it will similarly conclude that a reduction in the porting interval would promote the public interest.

II. THERE IS NO REASON TO BELIEVE THAT INADVERTENT PORTS WOULD INCREASE WITH A REDUCED INTERVAL

A small number of commenters assert without explanation that the number of inadvertent ports will increase if the intermodal interval is shortened.[8] This is not likely, as other commenters recognize.[9] As BellSouth observes, inadvertent ports occur because there is "an information mismatch between the old service provider and the new service provider, and the port proceeds without resolving the mismatch":

> The proposed reduced porting interval, however, would apply only to those ports in which the information of the old and new service providers match. Under these circumstances, reducing the porting interval would not have any impact on inadvertent ports.[10]

A large LNP clearinghouse similarly recognizes that limiting the number of LEC validation fields, which would simplify and thereby accelerate the porting process, "will not increase the

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8 *See* Nebraska Rural Companies *et al.* ("Rural Companies") at 5; Comments; TDS Comments at 6; Advanced Cellular Comments at 1-2.

9 *See, e.g.,* BellSouth Comments at 13 ("[T]here should be little, if any, impact on inadvertent ports."); SBC Comments at 6 ("[R]educing the porting interval may not result in more inadvertent ports.").

10 BellSouth Comments at 13.

number of 'inadvertent' ports."[11] And as T-Mobile observes, wireless carriers have not faced a major problem with inadvertent ports even though they have been using an accelerated porting interval with far fewer validation fields than LECs.[12] In short, there is no reason to believe that LECs would face an increased number of inadvertent ports if they moved closer to the wireless model.

Industry is committed to addressing expeditiously the subject of inadvertent ports, as evidenced by its development of emergency restoration procedures for those customers that are ported by mistake.[13] But the fact remains that there is no reason to believe that the incidence of inadvertent ports will increase by the efforts taken to reduce the interval for intermodal ports not involving a "mismatch" in information.

III. THE COMMISSION SHOULD STANDARDIZE AND SIMPLIFY THE LEC VALIDATION PROCESS

The NANC proposal is limited in scope; it assumes that its shortened interval proposal would apply to port requests that are "error free."[14] NANC did not, however, address what in practice is a more significant cause for delay and customer frustration – namely, the difficulty wireless carriers often have in submitting "error free" port requests. LECs use so many different validation fields and generally require an exact match for each field (*e.g.*, reject a port request because it uses "Dr." rather than "Drive"). Thus, while shortening the porting interval is certainly to the consumer's benefit, it will be meaningless if the fallout caused by LEC validation processes is left unaddressed.

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11 Syniverse Comments at 5-6.

12 T-Mobile Comments at 5.

13 *See* NANC Report at 25.

14 *See* NANC Report at 12.

Sprint demonstrated in its comments that one of the most important steps that the Commission can take to increase the porting success rate and to reduce delays in the porting process would be to standardize and simplify the validation fields that incumbent LECs utilize, so as to increase the chance that wireless carriers can submit an "error free" request in the first attempt – or at least the second or third attempt.[15]

Many other commenters, including the Nebraska Commission, make this same recommendation.[16] For example, T-Mobile notes that many LECs validate "dozens of fields of alpha-numeric data and reject any port request that does not contain an exact match for each and every field in their LSR," which often has the effect of forcing wireless carriers to submit "between five and fifteen supplemental requests to achieve an 'error free' port request."[17] As a result of current LEC practices, "days and weeks can pass before a port request even gets to the porting process," as CTIA recognizes.[18] The clearinghouse firm that likely has more experience with intermodal porting than any other firm observes that standardizing and simplifying the validations fields to three "will greatly improve the overall porting request process and significantly reduce the amount of administrative time necessary to complete a port request."[19]

From the perspective of the customer, it is important that the Commission reduce the intermodal porting interval as discussed in Part I above. But the Commission needs to understand that a reduction of this interval will have little practical effect on customers if wireless carriers

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15 *See* Sprint Comments at 6-9.

16 *See* Nebraska Public Service Commission Comments at 2.

17 T-Mobile Comments at 4-5.

18 CTIA Comments at 6.

19 Syniverse Comments at 6. However, Sprint cannot agree with Syniverse's proposal to use account telephone number as one of the validation fields (*see id.* at 2), because this information is often not available at the point of sale. Inclusion of this field would simply have the practical effect of increasing carrier dependence on clearinghouses such as Syniverse.

must continue to submit so many supplemental port requests as a result of a LEC's decision to utilize so many validation fields and to require exact matches in every field. The simplified procedure that the wireless industry has successfully utilized confirms that the ILEC procedure is not just unnecessary, but imposes needless obstacles on the ability of LEC customers to port to a new carrier.

The industry has considered this subject in the past, but has been unable to reach agreement. Sprint therefore agrees with T-Mobile that Commission intervention here is "crucial" because the LEC and wireless industries "likely will never reach agreement."[20] The task of standardizing and simplifying the validation process is not complex, and the experience with wireless porting confirms that such standardization and simplification works to the benefit of customers. Sprint therefore urges the Commission to give priority to this subject. Indeed, Sprint submits that in the near term, standardization and simplification of the validation process would be more important to customers than would be reducing the porting interval – because standardization and simplification will do more to reduce the actual time for implementing ports (the time customers actually experience) than will new interval guidelines.

IV. THE SMALLER LEC OBJECTIONS TO NANC'S PROPOSAL LACK MERIT

For the most part, small and mid-sized incumbent LECs vigorously oppose any reduction in the porting interval because such a change may entail some costs. For example, Cincinnati Bell opposes automating its porting system because it would cost $500,000 to establish.[21] Frontier and Citizens claim that they would have to spend almost three times more ($1.4 million) to

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[20] T-Mobile Comments at 7.

[21] *See* Cincinnati Bell at 2.

automate their porting system.[22] But these estimated costs of upgrading to a mechanized system are not that sizable when spread over their respective customer base – and these costs would have even less of an impact if spread over a number of years (if the carrier is still in LNP cost recovery):

	Estimated Mechanization Cost	Total Access Lines	Cost per Customer
Cincinnati Bell	$500,000	1,100,000	$0.46
Frontier/Citizens	$1,400,000	1,000,000	$1.40

Moreover, none of these mid-sized ILECs (or any of the rural LECs that also object to shortened intervals) discussed the alternative of using a clearinghouse, an arrangement utilized by many wireless carriers, including carriers the size of Sprint PCS.[23]

Sprint does not believe that the Commission should require any carrier to mechanize its systems if the carrier believes that it can meet regulatory requirements in a more cost effective manner by using a manual process. But as demonstrated immediately above, the facts submitted in the record undermine rather than support the assertion that the costs of mechanizing the porting process are necessarily unreasonable.

Unlike the mid-sized carriers, small ILECs present no facts in support of their assertions that they "lack the resources necessary to implement a mandatory shortened interval" and that a shortened interval would be "fiscally impossible."[24] These assertions are not credible given that neither NANC's proposal nor Sprint's supplemental proposal would require an ILEC to perform any new or additional work that is not done today. Consider NTCA's assertions:

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[22] *See* Frontier/Citizens Comments at 6.

[23] According to hearsay evidence, these contractors charge smaller carriers between $180 and $1,000 a month, depending on the volume of ports. *See* Small Business Administration ("SBA") Comments at 4.

[24] *See* NTCA Comments at 3 and 5.

NTCA Assertions:[25]	***Fact:***
A shortened interval would "require the extension of office hours."	The NANC and Sprint proposals involve business days/hours only, so extended office hours would not be required.
A shortened interval would "require . . . increased personnel."	This is highly unlikely since the NANC and Sprint proposal would not require a rural LEC to perform any additional or different work. Besides, according to NTCA, the demand for intermodal porting is "very limited."
A shortened interval would require changes to "many internal procedures," including "billing practices, systems maintenance operations, inventory tracking systems, [and] management procedure."	This is not possible since the NANC and Sprint proposals would not require a rural LEC to perform any additional or different work.
Rural LEC personnel would "need to be trained."	Again, this is not possible since the NANC and Sprint proposals would not require a rural LEC to perform any additional or different work.

In the end, the incumbent LEC opposition to shortened intervals is not based on cost, but on a resistance to take any step that would facilitate competition or make it easier for their customers to switch to a competitive carrier.

[25] *See id.* at 3-4.

V. THERE IS NO BASIS TO EXEMPT ALL RURAL LECS FROM A NEW PORTING INTERVAL

Rural LECs uniformly ask the Commission to exempt them from any shortened interval that the Commission may adopt.[26] The simple response is that rural LECs have not submitted any facts to support such sweeping and blanket relief.

It is time to return to the facts. Neither NANC's proposal nor Sprint's supplemental proposal would require a rural LEC to undertake any new or different steps. For example, the porting procedure requires the old service provider to set a 10-digit trigger on its switch so database queries can be launched for calls made to a ported number.[27] The process of setting the trigger in a purely manual environment should take a rural LEC no longer than approximately 15 minutes.[28] Under NANC's proposal, a rural LEC would perform this work on the day after a port request is received, rather than on the second day under current guidelines.[29] The rural LECs would have this Commission believe that most of the time, it would be unreasonable to expect a rural LEC to find 15 minutes over a two day period to activate the 10-digit trigger and that they require three days in all circumstances with every port request.

The Commission recently imposed new outage reporting requirements on carriers, obligations that will require rural LECs to spend 15 minutes within the first two hours of an outage

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[26] *See* NTCA Comments at 5; OPASTCO Comments at 4; TCA Comments at 4-5; Texas Cooperatives Comments at 2-3; UTSA Comments at 7-8.

[27] *See* NANC Report at 7.

[28] Sprint estimates that an office clerk would require 10-12 minutes to transcribe a port request into the internal form utilized by the rural LEC, and that a switch technician would require 3-5 minutes to make the change in the switch. Simultaneous port request may take longer depending on the quantity of office clerks.

[29] Under Sprint's supplemental proposal, the 10-digit trigger would ordinarily be set on the day that an "error free" port request is received.

and another 45 minutes within three days of the outage.[30] It rejected rural LEC arguments for an exemption on the ground that the new requirement (one hour over three days) would impose a "minimal" burden on rural LECs.[31] Here, in contrast, rural LECs are already required to spend 15 minutes to set a 10-digit trigger. The question, thus, is whether a rural LEC should attempt to perform this work in a day or two, or whether the Commission should permit rural LECs to deliberately delay this work for three days – even when they could perform the work in one day?

Neither Sprint nor any other party to this proceeding is asking any rural LEC to "guarantee" that the porting interval always occur within whatever rules or guidelines that the Commission may adopt. Sprint understands that carriers sometimes face unusual situations that, given available resources, may prevent them from meeting guidelines at certain times. But, rural LECs have not explained why they should not implement promptly a port-out request when resources are available to process the request.

Importantly, if any rural LEC truly believes that in most circumstance it cannot spend 15 minutes to implement a 10-digit trigger in one day rather than two, it can submit a waiver request supported by facts demonstrating its unique situation. But there is no basis in this record to support blanket relief for all rural LECs.

VI. THE COMMISSION SHOULD REMIND ALL INCUMBENT LECS THAT THEY ARE OBLIGATED TO MAKE A GOOD FAITH ATTEMPT TO ACTIVATE PROMPTLY THEIR CUSTOMERS' PORT-OUT REQUESTS

Sprint demonstrated in its comments that many ILECs are not complying with the existing intervals (*e.g.*, responding to a port request within 24 hours), with a sizable number of

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30 *See Disruptions to Communications*, ET Docket No. 04-35, *Report and Order*, FCC 04-35, at 105-17 (Aug. 19, 2004).

31 *See id.* at 116.

smaller ILECs refusing to respond at all to Sprint's follow-up inquiries.[32] Some of the comments illustrate the type of recalcitrance that wireless carriers are encountering.

For example, Frontier and Citizens suggest that the Commission's adoption of a new intermodal interval will have little practical effect because some incumbent carriers will simply "ignore" the Commission's order.[33] Advantage Cellular opposes any reduction of the intermodal interval on LECs because it has unilaterally decided to use for wireless ports the LEC interval rather than the wireless carrier interval.[34]

As discussed above, no carrier is asking any rural carrier (LEC or wireless) to "guarantee" that they will meet specified porting intervals in every circumstance. But it is important that rural carriers make a good faith effort to implement port requests (*e.g.*, respond as quickly as possible, not intentionally delay activation of 10-digit triggers). The rural LECs state that there is "very limited amount of demand" for intermodal porting.[35] If this is the case, then there is even less reason to believe that rural LECs cannot implement a shorter porting interval even if they continue to use a manual process.

Sprint therefore encourages the Commission to issue promptly a public notice reminding all carriers of their obligation to implement promptly and in good faith the port-out requests made by their customers.

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32 *See* Sprint Comments at 5-6.

33 *See* Frontier/Citizens Comments at 5.

34 *See* Advantage Cellular Comments at 2 ("In implementing number portability, Advantage relied on the current four day porting regulation when establishing its back office support for porting."). Advantage is an affiliate of the rural LEC, DTC Communications.

35 NTCA Comments at 4.

VII. THE COMMISSION SHOULD INVESTIGATE NEAR REAL TIME DISCONNECTS

Sprint urges the Commission to investigate near real time disconnect for intermodal ports. Near real time disconnect ("NRTD") is achieved when the old network service provider (ONSP) monitors NPAC's activate messages for the ported number and does a near real time disconnect of the number being ported away by the new network service provider. NRTD is used for wireless-to-wireless porting with positive results and should be considered for use in intermodal porting.

There are at least two consumer benefits with NRTD. First, using NRTD for intermodal ports will significantly reduce the likelihood of the customer being disconnected from landline service prior to activation of the wireless service. Sprint has experienced situations where the porting customer has been disconnected from wireline service for several days before the customer's number was successfully ported and activated by the wireless carrier. The cause of these premature disconnections by the wireline carrier or delayed activations by the wireless carrier is due to the inability of carriers to coordinate effectively. Wireless carriers typically activate service upon receipt of the NPAC activate message; whereas, wireline carriers typically disconnect according to a pre-established due date and time. If coordination breaks-down between the carriers (especially when the due date and time is revised), the customer may be left without service from either carrier. By moving to NRTD, these coordination problems are eliminated as both the NNSP and ONSP are reacting (disconnecting and activating, respectively) to the same NPAC message.

Second, NRTD would also greatly reduce the "mixed services" condition that currently exists with intermodal ports. The mixed service condition is a period of time (*e.g.*, one day)

where the porting customer has service from both the LEC and wireless carrier and can originate a call from either the mobile handset or the landline telephone.[36] There are two issues with mixed service:

- During the brief period of mixed service, the customers will have two "lines" and be billed for both; and
- During the brief period of mixed service and assuming that the customer dials 911 and further assuming that a PSAP call back becomes necessary, the possibility exists that the PSAP may call back the wrong telephone (*e.g.*, 911 call is made from landline phone but incoming calls are already directed to the handset).[37]

The "mixed service" period has caused customer confusion and has led to some complaints. Ideally, the length of the mixed services period should be minimized or, preferably, eliminated altogether. With near real time disconnect, the mixed service period is almost eliminated and if a 911 call back from the PSAP is required, the consumer receives the call back on the proper phone.[38]

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[36] *See* NANC Report at 9 n.11.

[37] *See id.* at 23-29.

[38] Currently, based on NECA recommendation, customers are provided with notice concerning the impact of an intermodal port and the mixed service period on 911 calls. For the protection of porting customers, this customer notification should continue under Sprint's near real time disconnect proposal.

VIII. CONCLUSION

For the foregoing reasons, Sprint urges the Commission to take actions consistent with the views expressed above and those set forth in its comments.

Respectfully submitted,

Sprint Corporation

By: */s/ Luisa L. Lancetti*

Luisa Lancetti
Vice President, Wireless Regulatory Affairs
Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
202-585-1923

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